IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:02-CR-80-H
No. 5:13-CV-463-H

JAMES SCOTT ROBINSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	MOTION TO DISMISS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, submits this motion to dismiss Petitioner's 28 U.S.C. § 2255 motion for lack of jurisdiction or, in the alternative, for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(1), 12(b)(6). A memorandum of law is filed in support of this motion.

Respectfully submitted, this 4th day of September, 2013.

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 4th day of September, 2013, served a copy of the foregoing upon the counsel for the petitioner in this action by electronically filing the foregoing with the Clerk of court, using the CM/ECF system which will send notification of such filing to:

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